

ORDER No. 6985

File: L.A. 4187(A)

Before:

The Local Authorities Board for  
the Province of Alberta

In the matter of The Municipal  
Government Act:

And in the matter of an appli-  
cation by the Council of the  
Village of Turner Valley, Alberta,  
for annexation of certain terri-  
tory lying immediately adjacent  
thereto in the Municipal District  
of Foothills No. 31.

Pursuant to an application from the Council of the Village of Turner Valley, in the Province of Alberta, petitioning for the annexation of the territory described in Schedule "B" attached to this Order, and which territory lies immediately adjacent to the said village in the Municipal District of Foothills No. 31, the Board conducted a public hearing of the matter in the Village of Turner Valley on Tuesday, December 4th, 1973.

Representing the village was Mr. T. D. Hetherington of Messrs. Ghitter, Ghitter and Hetherington, Barristers, Calgary — a former resident of Turner Valley — who called as witnesses Mr. Del Tronnes, Tronnes Surveys Limited, Calgary, Alberta; Mr. S. R. Switzer, P. Eng., of Messrs. Jan Bobrowski and Partners Ltd., Calgary, Alberta; Mayor R. J. Hartell and Secretary-treasurer W. A. Lewis.

The Municipal District of Foothills No. 31 was represented by Secretary-treasurer Leonard C. Van Tighem.

Registered and assessed land owners, lessees and others making representation to the Board at the hearing included Mrs. F. H. Adams, Mrs. W. H. Atkinson, Mr. H. E. Bratrud, Mrs. Mario Dellaviola, Mr. E. Hedley, Mary D. McRae, Mr. H. W. Newby, Mr. Eric Nyboe, Mrs. J. C. Rubenok, Mrs. H. J. Stel, Mrs. R. P. Thompson, Turner Valley Golf and Country Club represented by Mr. Tom Brown, Turner Valley Municipal Hospital represented by Mr. Henry J. Gervais, Western Dec-alta Petroleum Limited represented by Messrs. L. J. Elhatto and Jack Harper, Mr. T. O. Woodford and Mr. C. C. Wyldman.

The Calgary Regional Planning Commission, while not represented at the hearing, had filed with the Board an extract from the minutes of the commission's meeting of November 9, 1973, relative to the annexation proposal in which it expressed general favour of the proposal ". . . to facilitate urban expansion and to resolve present difficulties regarding the development of certain long term 'squatter' areas as well as many existing small parcels."

The Village of Turner Valley represented generally that the territory should be annexed for the following reasons:

(1) to facilitate, by urban administration, the attainment by the numerous lessees of:

- (a) survey, subdivision and hence title in fee simple to their properties from the registered private owners;
- (b) mortgage privileges based on eventual ownership of their properties;
- (c) an assured potable water supply availability;

- (d) a sanitary sewage system availability;
- (e) a municipal road system to replace the existing "private" road connections between the various hamlets;
- (f) services of town's volunteer fire brigade.

(2) to provide the village with additional needed lands for future development through orderly urban planning and subdivision.

(3) to provide the residents of a considerable portion of the immediate Turner Valley socio-economic community with the village's fire protection services and garbage collection services.

(4) to include within the village limits several subdivided and developed properties that enjoy village utility services but lie without its boundaries.

(5) to include within the village limits several subdivided properties that are desirous of obtaining Municipal road, sewer and water services when they can be made available.

(6) to obtain development control of the annexation area for the general benefit of long range planning in the area.

(7) to provide an improved sewage treatment plant and water service and extension of these and other urban services based partly on the increased assessment and tax base provided by the annexation territory.

The Municipal District of Foothills No. 31 generally supported the village's application and pointed out to the Board the advantages to be gained for the area residents, in its opinion, by an urban administration, dealing with the concentrated problems of subdivisions of lands, installation of sewer and water systems, garbage collection extensions, etc.

The municipal district suggested that certain additional roadways should be included in the annexation to the village for practical administrative purposes.

Western Decalta Petroleum Limited represented that their concerns respecting the annexations lay primarily with—

- (a) any increase in taxation on their properties in the village.  
Board Note: With the basis of assessment remaining unchanged by annexation, and the millrate in the village being sixty (60) against seventy (70) mills in the municipal district for the year 1973, taxation does not appear to be a problem.
- (b) any interference with the operation of the gas plant and gas wells in the area by reason of the additional agencies (village) introduced as another "governing hierarchy".  
Board Note: The village will replace the municipal district as administrative authority in the annexation territory and may well prove of assistance to the plant in solving the common water problems.
- (c) ensuring that regional as well as local planning needs had been considered when establishing the limits of the enlarged village.  
Board Note: The Calgary Regional Planning Commission was consulted by the village in respect to the matter and as noted heretofore, generally supports the village's application.
- (d) ensuring that Turney Valley and Black Diamond would continue to work together to mutually solve wherever possible any utility expansions for their joint benefit.

Certain persons attending the hearing who either owned or leased lands on which they presently kept livestock including cattle, horses and goats represented that:

- (a) if their lands were presently assessed and taxed as "farm lands" in the Municipal District of Foothills No. 31, then, in event of annexation of their lands to the village:
  - (i) the lands and the "farm buildings" thereon should continue to be assessed on the same basis of assessment as if the territory had remained in the municipal district for a fixed term of years or until the property or a part thereof was not used for farming purposes; and
  - (ii) the village by-laws restricting the keeping of livestock within village limits should be amended to be made not applicable to such annexed farm lands.
- (b) if their "non-farm" or acreage lands and assessed buildings were presently assessed and taxed in the municipal district, then, in event of annexation of their lands to the village:
  - (i) the lands and buildings thereon should continue to be assessed on the same basis of assessment as if this territory had remained in the municipal district for a fixed term of years or until the property or a part thereof was further subdivided; and
  - (ii) the village by-laws restricting the keeping of livestock within village limits should be amended to be made not applicable to such annexed "non-farm" acreage lands.
- (c) development (subdivision) of their lands could be many, many years away — if ever — and they should not be assessed (taxed) for services (urban) which did not directly benefit their properties.
- (d) they may lose the Foothills School Division bus service upon annexation of their lands to the village.

Persons speaking in favour of annexation in addition to the village and the municipal district included:

- (1) persons who hoped for a solution to their title, mortgage, road, water and sewer problems, as well as;
- (2) the major landowners (Newby) lessee representative who hoped through annexation for assistance from the village and Calgary Regional Planning Commission in solving the subdivision/title/mortgage, etc. problems that have existed in "Snob Hill", "Mortgage Heights", "Poverty Flats", etc. hamlets for some years.

After a full discussion of the matter of the annexation as it would affect the annexed persons and their properties and after careful consideration of the evidence that was filed by persons having an interest in the matter, the Board has reached the following substantial conclusions:

I. The territory sought for annexation (with certain minor road amendments as suggested by the Municipal District of Foothills) by the Village of Turner Valley should be annexed to the village effective on January 1st, 1974:

- (a) to provide the territory with an urban administration which should facilitate the solving or easing of the problems of:

- (i) lessees of private lands obtaining for their "lots" registered subdivisions, titles in fee simple, mortgages, municipal roads, municipal water and sewer facilities, etc.
  - (ii) registered owners of lands in the territory obtaining improved municipal services (increased water supply and sewer capacity), garbage service, fire protection.
- (b) to provide the citizens in the territory with one socio-economic urban administration which can in the Board's opinion, best legislate for the benefit of the immediate community of Turner Valley at this time and for its future.

The Board will provide that existing "life styles" for "farm-oriented" families that are annexed are permitted to continue within the village limits — always, of course, subject to provincial health laws.

II. The assessment and taxation of the annexed properties will not be adversely affected by reason of the annexation.

III. The Board is informed that Foothills School Division will arrange bus service to residents who live over a distance of three quarters of a mile. If they are under three quarters of a mile, those receiving bus service now as a resident of the municipal district might lose this service.

It is ordered therefore as follows:

*Firstly:* That there be annexed to the Village of Turner Valley, in the Province of Alberta, and thereupon be separated from the Municipal District of Foothills No. 31, the territory described on Schedule "B" attached to and forming part of this Order.

(A sketch showing the general location of the annexed lands is attached as Schedule "A" to this Order).

*Secondly:* Any taxes owing to the Municipal District of Foothills No. 31 as at December 31, 1973 in respect of the aforementioned annexed property shall transfer to and become payable to the Village of Turner Valley, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Village of Turner Valley collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the village to the Municipal District of Foothills No. 31.

*Thirdly:* The assessor for the Village of Turner Valley shall for taxation purposes in the year 1974 re-assess or re-value the annexed lands and assessable improvements thereon, other than the properties described at the *Fourthly* Clause hereunder, so that the assessment or valuation thereof shall be fair and equitable with other lands and assessable improvements in the Village.

*Fourthly:* The assessor for the village shall for taxation purposes in the years 1974 to 1978 re-assess any annexed parcel of land comprising a farm unit or part thereof as referred to in section 2 of The Municipal Taxation Act, and the farm buildings thereon used in connection with the raising or production of crops or livestock or both, or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such land and farm improvements remained in the Municipal District of Foothills No. 31, provided, however, that if:

- (a) the said lands or a part thereof is subdivided; or if
- (b) the village, by resolution of council or the landowner or other interested person, establishes before the Board in writing that

for other good and sufficient reason the provisions of the *Fourthly* Clause should be varied or rescinded, application may be made to the Board for an Order to implement such a change.

*Fifthly*: The Village of Turner Valley shall for taxation purposes tax all annexed properties at the appropriate current village mill rates.

*Sixthly*: The chief provincial assessor, appointed pursuant to the provisions of The Municipalities Assessment and Equalization Act, shall for taxation or grant purposes commencing in the year 1974, re-assess or re-value, as the case may be, all properties that are assessable or subject to valuation under the terms of The Electric Power and Pipe Line Assessment Act and The Municipal and Provincial Properties Valuation Act, and which lie within the areas that are by this Order annexed to the Village of Turner Valley, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

*Seventhly*: Only those by-laws that are appropriate and reasonable having regard to their nature; intent, object and purpose shall be enforced in respect of lands being used for crop or livestock production or the keeping of livestock for the years 1974 to 1978.

*Eighthly*: The effective date of this Order shall be the 1st day of January, 1974.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 22nd day of May, 1974.

Certified a true copy,  
B. CLARK, Secretary.

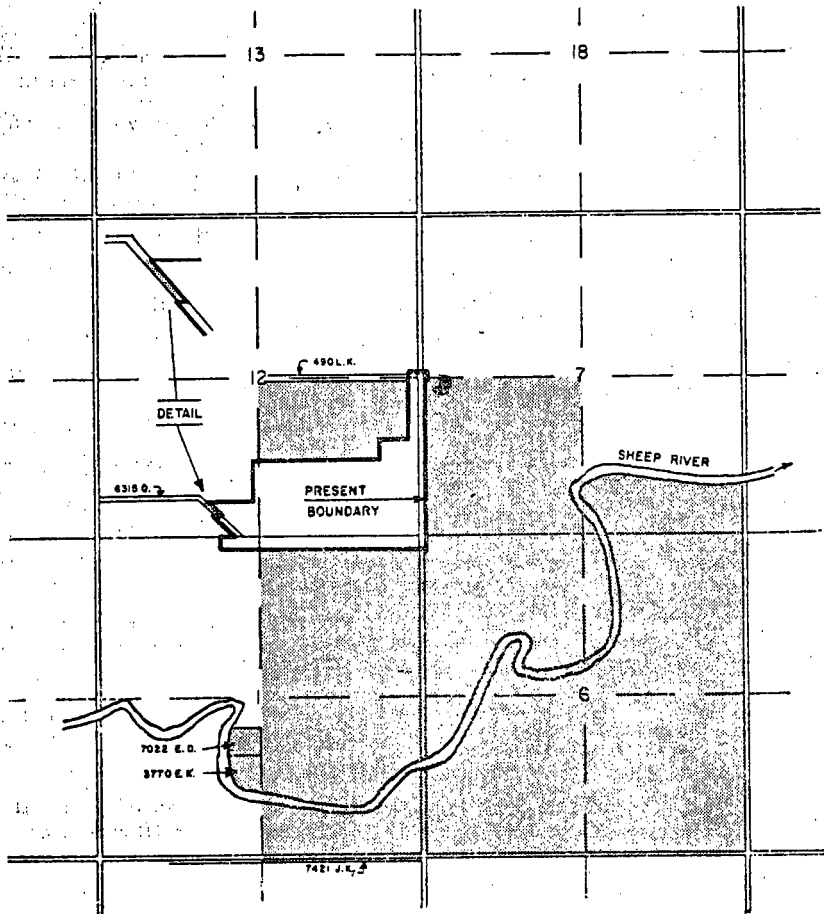
LOCAL AUTHORITIES BOARD,  
C. G. MACGREGOR, Chairman.

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION  
OF THE AREAS AFFECTED BY ORDER No. 6985

EFFECTIVE DATE: JANUARY 1, 1974

 AFFECTED AREA(S)



## TURNER VALLEY

TP. 20 R. 3 W. 5 M.

TP. 20 R. 2 W. 5 M.

## SCHEDULE "B"

*A detailed description of territory sought for annexation and annexed to the Village of Turner Valley, Alberta, pursuant to Local Authorities Board Order No. 6985*

All that portion of the south-east quarter of section 12, township 20, range 3, west of the fifth meridian, lying south of southerly limit of Road 490 L.K. and not presently within the village limits;

All that portion of Road Plan 6315 Z. within the south-west quarter of section 12, township 20, range 3, west of the fifth meridian, lying south of the production westerly across said road of the northerly limit of Edgar Avenue, as shown on Plan 8054 E.K.;

East-half of section 1, township 20, range 3, west of the fifth meridian;

Parcel "Y" as shown on Plan 7022 E.D. within the southwest quarter of section 1, township 20, range 3, west of the fifth meridian;

Block 1 and roadway as shown on Plan 1351 J.K. within the south-west quarter of section 1, township 20, range 3, west of the fifth meridian;

Road Plan 7421 J.K., in the northeast quarter of section 36, township 19, range 3, west of the fifth meridian;

All of section 6, township 20, range 2, west of the fifth meridian;

Southwest quarter of section 7, township 20, range 2, west of the fifth meridian;

All that portion of the southeast quarter of section 7, township 20, range 2, west of the fifth meridian, lying south of the right bank of Sheep River;

The government road allowance adjoining the south boundary of the south half of section 6, township 20, range 2, west of the fifth meridian;

The government road allowance adjoining the south boundary of the southeast quarter of section 1, township 20, range 3, west of the fifth meridian;

The government road allowance adjoining the west boundary of the west half of section 6, township 20, range 2, west of the fifth meridian not presently within the village limits;

The adjacent intersection adjoining the southeast corner of the south-east quarter of section 1, township 20, range 3, west of the fifth meridian.